

# APPLICATION REPORT - PA/341467/18

Planning Committee, 13 February, 2019

**Registration Date:** 16/03/2018

**Ward:**

**Application Reference:** PA/341467/18

**Type of Application:** Full Planning Permission

**Proposal:** Erection of 17 houses with vehicular access from Medlock Road

**Location:** Land to the rear of the Dog and Partridge PH, Medlock Road, Failsworth, Oldham, M35 9NP

**Case Officer:** Matthew Taylor

**Applicant** Mr Sheridan

**Agent :** Plan:8 Town Planning Ltd

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## THE SITE

The site is a roughly 'L' shaped plot of land that gently slopes down from the north to south, it is approximately 0.7 hectares in area. It is bounded by the Brookdale Golf Course to the west and both the Dog and Partridge public house bowling green/beer garden and playground to the east. The area comprises cleared ground with self-seeded grass and shrubs covering the site.

The site is both located with the Woodhouses Conservation Area and a Phase 2 Housing allocation on the Local Plan Proposals Map, which is a saved Unitary Development Plan Policy (ref. H1.2.4 Medlock Road, Woodhouses).

## THE PROPOSAL

The application relates to the erection of 17 dwellings, including a mix of 4 and 5 bed houses, with associated car parking for each plot provided either by on-site parking spaces or garages.

The access road will be formed into the site off Medlock Road between No's 111 and 125 Medlock Road. Pedestrian access will be possible to the site via the both the access road and the park off Stamford Drive.

The proposed layout contains dwellings that are three storeys in height incorporating rooms within the roof space and full height gable features. The properties have been designed illustrating a contemporary approach to traditional suburban dwelling types. Features specifically include the use of brickwork and render, gable roofs and overhanging eaves.

The layout takes the form of an 'L' shaped configuration. Plots 1 and 2 adjoin the rear of existing properties on Medlock Road and the public house beer garden. Plots 3 and 4 face the site entrance. Plots 5 to 15 face the access road with the park opposite and rear gardens adjoining the golf course. Plots 15 to 17 are served off a private drive at the south-eastern edge of the site facing the park and backing onto the golf course.

## RELEVANT HISTORY OF THE SITE:

No relevant planning history.

## RELEVANT PLANNING POLICIES & GUIDANCE

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, to the extent that development plan policies are material, planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise. This requirement is reiterated in Paragraph 2 of the National Planning Policy Framework (NPPF).

In this case the 'Development Plan' is the Joint Development Plan Document (DPD) which forms part of the Local Development Framework for Oldham. The application site is a Phase 2 Housing allocation within the Woodhouses Conservation Area on the Proposals Map associated with this document.

The following policies are relevant to the determination of this application:

### **Joint Development Plan Document**

Policy 1 - Climate change and sustainable development;  
Policy 3 - An address of choice;  
Policy 5 - Promoting Accessibility and Sustainable Transport Choices';  
Policy 9 - Local environment;  
Policy 11 - Housing;  
Policy 16 - Local Services and Facilities;  
Policy 20 – Design  
Policy 21 -  
Policy 23 - Open space and sports

### **CONSULTATIONS**

Environmental Health	Recommended both landfill gas and contaminated land conditions and informative notes.
Natural England	No objection.
Greater Manchester Ecology Unit	Recommended conditions and informative notes to address the proximity to a Watercourse/Brookdale Golf Course SBI and wild life on site. Greater Manchester Police Architectural Liaison Unit
United Utilities	Recommended conditions and informative notes to address both drainage and the management and maintenance of Sustainable Drainage Systems.
Trees	No objection.
National Grid	Recommended an informative note.
Electricity North West	No objection.
Sport England	No objection.
Environment Agency	No objection.
LLFA	No objection.

### **REPRESENTATIONS**

This application was publicised by way of a site notice, neighbour notification letters and press notice. 59 individual letters of objection have been received (43 to the original scheme and a further 16 to the amended plans consultation), in which the concerns raised can be summarised as follows:

- The proposed ball stop fence is unnecessary and will be an eyesore;
- Will result in an increase of traffic volume along Medlock Road;
- Assess to the site does not comply with 'Manual for Streets 2 guidelines';
- Proposed design is stark contrast to the red brick Victorian terrace dwellings within the conservation area;
- Overbearing in height and density and will inhibit views from neighbouring properties across open Green Belt land in the Medlock valley;
- The village infrastructure cannot take any further additions to the number of family homes;

- Will result in the loss of a green space;
- This infill development will ruin the character of the village;
- The proposed access road running alongside the park will impact on the park's safe use
- Loss of trees;
- Loss of wildlife habitat;
- Proposed development does not provide sufficient off street car parking for its future occupiers;
- Proposed development does not provide affordable houses for the residents of Woodhouses;
- Noise and disturbance as a result of the development;
- Drainage system within the locality is not sufficient for such an addition of dwellings; and
- Information provided does not provide true picture of the developments impact.

## **PLANNING CONSIDERATIONS**

The main planning issues are as follows:

- Principle of Development;
- Design and impact on the Conservation Area;
- Residential Amenity;
- Open Space and Affordable Housing;
- Trees;
- Ecology;
- Drainage;
- Highway safety; and
- Conclusion.

### **Principle of development**

DPD Policy 1 seeks to ensure the effective and efficient use of land and buildings by promoting the re-use and conversion of existing buildings prior to the use of greenfield sites. It also aims to meet Oldham's housing needs by focusing residential development in sustainable locations and to ensure that development respects Oldham's natural, built and historic environments.

DPD Policy 3 states that planning applications for residential development, in whole or as part of a mixed-use scheme will be permitted where the site is allocated for residential development or mixed-use and has come forward in line with the council's approach to phasing. Policy 3 goes on to outline that the use of previously developed land is the council's first preference for residential development. To address this matter the applicant has updated the original planning statement and provided an assessment of alternative sites in the area. This assessment clearly demonstrates there is a lack of available brownfield land in this location (that does not already have permission or is being developed). This provides justification for the development of this greenfield site.

More significantly, the site is a Phase 2 housing allocation (ref. H1.2.4 Medlock Road, Woodhouses), which is covered by the saved UDP policy on Housing Land Release. This policy identified a number of Phase 1 and Phase 2 allocations with the intention that development of the Phase 1 allocations would be prioritised over the Phase 2 allocations. Phase 1 allocations were either on previously developed land and or were greenfield sites considered to have satisfactory public transport access. As such, it was intended that Phase 2 allocations (which were mostly greenfield) should only be brought forward if monitoring showed a shortfall in the required building rate. However, as there has been a change in circumstances regarding the housing land supply and required building rates, and therefore it is not considered necessary to continue to apply this phasing approach.

Consequently, the status of the site has an identified housing allocation must be afforded significant weight. Therefore, as the principle of residential development has previously been found acceptable, there are no planning policy justifications for withholding permission

in this instance.

DPD Policies 3, 5 and 11 are also concerned with ensuring that new dwellings are provided in sustainable locations which are defined as being within 480 metres or a ten minute walk of at least three 'key services'. The site is positioned within the prescribed walking distance of Woodhouses Primary School, the Dog and Partridge public house and Woodhouses Church, whilst also being located on a main bus route operating along Medlock Road for purposes of compliance with DPD Policy 5. The site is also located adjacent to established residential areas. Therefore, it is considered that the site lies in a sustainable location.

As such, for the reasons given above it is considered that the principle of the proposal is acceptable.

### **Design and Layout**

The original site allocation details indicative a capacity of 20 dwellings, based on a density of 30 dwellings per hectare, which is considered a reasonable density for this type of area. Furthermore, the NPPF states that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities.

To this end, concerns were raised with the developer that the originally development for 14 dwellings, equating to a density of just over 20 dwellings per hectares, was not appropriate. In response, the developer has increased the site's overall density as the amended development proposes 17 dwellings. This brings it more in line with the indicative capacity of the site.

This density will still allow for the larger house types that the developer is seeking. The allocation doesn't specifically state that larger family homes are required, however the requirement includes a mix of housing types, which includes larger homes.

It is noted that by increasing the overall density of the site, the original detached dwellings located on Plots 1 and 2 have been amended to include 2 pairs of semi-detached dwellings. The pair located on what was original Plot 2 (now Plots 3 and 4) now face the Medlock Road frontage, and along with Plots 1 and 2 provide a more welcoming entrance feature. This would be seen from the main highway within the Woodhouses Conservation Area, where previously a gable end would have only been visible. The area of open land that was located to the side on what was originally Plot 2 will now provide each of the dwellings with front gardens and off-street car parking provision.

In regards to the overall amended site layout, it is noted that other than Plots 3 and 4 on the amended scheme every dwelling will either front the access road or provides views towards the park. This layout allows for each dwelling proposed to benefit from front/rear gardens and off-street car parking provision.

In this instance, this layout is considered by officers to be the most appropriate design.

Concerns in regards to the design of the properties were raised with the applicant as originally submitted, in particular with the high levels of glazing in both the front and rear elevations. Following the submission of amended plans, it is considered the mix of house types has been improved and the level of glazing has significantly been reduced in each.

Moreover, it is noted the house types all reflect the main elevation of the neighbouring recent development for 3 dwellings on Medlock Road, which has significantly improved the scheme. Also, whilst the design of the proposal more clearly reflects the modern houses in the area, Officers are of the opinion the design overall will serve to preserve the character of the conservation area given its scale and massing is appropriate and it follows a mainly linear format.

Given the relationship of the site to a green on the adjacent golf course, it has been necessary to give consideration to the impact of stray golf balls on the amenity of the new residents. For this reason, it will be necessary for a safety fence to a height of 7 metres to be installed on the boundary of the rear gardens and the green. Although this will be a large

structure, it will be viewed against the backdrop of the dwellings themselves, and therefore have a limited visual impact on the wider area.

### **Impact on the Woodhouses Conservation Area**

The Planning (Listed Buildings and Conservation Areas) Act 1990, states that the primary duty of the Local Planning Authority with respect to any buildings or other land in a conservation area is to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. DPD Policy 24 (Historic Environment) together with Part 16 (Conserving and enhancing the historic environment) of the NPPF reflect this duty. The application site lies within the Woodhouses Conservation Area and as such the impact on the character of the Conservation Area must be assessed.

The area was designated as a Conservation Area because it has retained its character as a 19th century village, set in a semi-rural location. The retention of the traditional brick terraces and its linear form, with the commercial and public buildings redolent of a village, such as the church, school, public houses with bowling green, children's playground, listed farmhouse, cricket ground, etc., all combine to preserve the character of a 19th century village.

The area proposed for development represents one of the few open areas included within the conservation area, which has generally been drawn quite tightly around the original linear development lines. This part of the conservation area provides a rural setting for the playground and to a lesser extent the Bowling Green and was part of the extension of the area in 1989.

Currently, the area contributes positively to the significance of the conservation area by providing a rural setting for the playground; allowing views of the surrounding countryside and landmarks, such as Hartshead Pike; and maintaining the rural setting in views from the greenbelt towards the conservation area. A large pylon does diminish this rural setting.

The introduction of housing would seem to inhibit views of the rural landscape beyond. Based on the information provided, it is therefore considered that the proposed development would cause 'less than substantial harm' to the heritage asset of Woodhouses Conservation Area in the context of NPPF paragraph 195.

NPPF Paragraph 196 NPPF states that "*Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.*"

In terms of public benefits, it is clear that the development will bring forward an allocated housing site within the borough that will have both economic and social benefits. A direct economic impact of the development is that the works on-site will result in employment generation within the borough. Moreover, housing developments have a lasting economic impact as the future occupiers of the development move into the area and as a result spend wages at local businesses.

In terms of the social benefits, given the scale of the development the developer will be required to make contributions towards both public open space improvements/maintenance and affordable housing provision within the locality. These are both considered to be major social benefits having a direct impact on the area.

Finally, given that the site has been a housing allocation within both the current and previous development plans it is considered that the development is securing the optimum viable use of the site. In addition, it is noted the amended scheme more closely meets the density desired for the site.

### **Residential Amenity**

DPD Policy 9 states it is necessary to consider how the proposal impacts on the amenity of the occupants of adjoining residential properties from the impacts likely to be associated with the proposal.

#### *Impact of Plot No. 1:*

From the submitted amended plans it is clear, that an approximately 17 metre separation distance would exist between the proposed side elevation of plot No. 1 and the rear elevations of *No's. 105a, 107, 109, 111 Medlock Road*. As such, it is considered that the proposed dwellings would not result in significant loss of light or outlook from the garden areas or habitable room windows of these adjacent properties.

The proposed dwelling includes both ground and first floor side elevation windows that could have an outlook towards these adjoining properties. However, it is noted that the opening are all secondary habitable room windows.. As such, it is considered expedient to attach a condition removing Permitted Development right for the insertion of any additional windows, doors or other openings in the side elevations of the House Type 1 and a condition that requires that all the side elevation windows be installed with obscure glazing.

The proposed front elevation habitable room windows would overlook the non private front gardens of Plot No's 2, 3 and 4; whilst the rear elevation habitable room windows would overlook the Dog and Partridge Public House beer garden. Both these relationships are considered acceptable.

#### *Impact of Plot No.2:*

The proposed front elevation habitable room windows would overlook the non private front gardens of Plot No's 1, 3 and 4; whilst the rear elevation habitable room windows would overlook the Dog and Partridge Public House beer garden. Both these relationships are considered acceptable.

#### *Impact on the Plot No's. 3 and 4:*

From the submitted amended plans it is clear, that a separation distance of over 30 metres would exist between the proposed front elevation of plot No's. 3 and 4 and the rear elevations of *No's. 111, 123, 125 and 127 Medlock Road*. As such, it is considered that the proposed dwellings would not result in significant loss of light, outlook or privacy of the garden areas or habitable room windows of these adjacent properties.

#### *Impact on the No's. 126, 128 and 130 Medlock Road:*

It is noted the proposed vehicle access to the site will be directly face the front elevations of these neighbouring dwellings. This could result in the lights of cars leaving the site being directed towards the front elevation habitable room windows. However, it is the LPA's opinion this will not have a significant impact on the amenity currently enjoyed by the occupiers of the dwellings give they all are set back from the back edge of the footway and have both landscaping and off street car parking spaces forward of the front elevations.

#### *Impact on the No. 41 Stamford Drive:*

From the amended plans, it is noted an approximately 14 metre separation distance would exist between the proposed side elevation of plot No. 17 single storey attached garage and the side elevation of *No. 41 Stamford Drive*. Whilst an approximately 17 metre separation distance would exist between the proposed first floor side elevation of plot No. 17 and the side elevation of *No. 41 Stamford Drive* As such, it is considered that the proposed dwellings would not result in significant loss of light or outlook from the garden areas or habitable room windows of these adjacent properties.

Given the above, it is considered that the design of the proposed development is in accordance with DPD Policies 9.

#### 4. Open Space and Affordable Housing

Policy 23 'Open Spaces and Sports' of Oldham's Joint DPD states that all residential developments should contribute towards the provision of new or enhanced open space, unless it can be demonstrated by the developer that it is not financially viable for the development proposal or that this is neither practicable nor desirable.

Following an assessment of the proposal and needs of the local area it is recommended that all of the planning contribution is to be put forward to provision of off-site open space rather than providing on site provision. The proposed housing will put additional pressure on the existing open space which is both deficient in quality and quantity. On the basis of the development a cost has been calculated for off-site public open space provision and equates to £110,000.00.

Policy 10 'Affordable Housing of the Oldham LDF Joint DPD states that all residential developments of 15 dwellings and above will be required to provide an appropriate level of affordable housing. The current target is for 7.5% of the total sales value to go towards the delivery of affordable housing, unless it can be demonstrated to the Council's satisfaction that is not viable. On the basis of the proposed development the figure for affordable housing provision would be £410,000.00.

In respect of the total off site provision the applicant has provided economic viability information purporting the scheme cannot sustain a full contribution towards off site Public Open Space and Affordable Housing. However, the viability report taking into account development costs and a reasonable rate of return, and the developer has offered a combined contribution of £160,000.00 . The information and its findings have been assessed by the PDI Section of the Council and agree with the maximum offer is reasonable.

Officers therefore consider the scheme is unviable if the full amount of contribution is required to address Policy 10 and 23. The applicant has offered a figure based on an appraisal of the viability of the development which is considered to be acceptable in addressing the policy requirements for Public Open Space and Affordable housing.

It is therefore recommended to Members that the Council enter into a s.106 Agreement for the applicant to contribute £160,000 and allocated to the following:

- Off-Site Public Open Space - £110,000.00.
- Off-Site Affordable Housing - £50,000.00

#### 5. Highway Safety

DPD Policy 5 requires that developments do not compromise pedestrian or highway safety and DPD Policy 9 states that the development will be permitted where it minimises traffic levels and does not harm the safety of road users.

In terms of highway safety, the Council's Highway Engineer has been consulted and has raised concerns over the original proposed site layout, as they the proposed access into and out of the site would not operate safely without any mitigation measures. Given there would be inadequate visibility that is not acceptable for highway safety reasons.

The issues in regards to the safe creation of an access to the site application site include:

- There is inadequate space for a footway to be provided on each side of the carriageway;
- Visibility at the junction of the access road with Medlock Road cannot be achieved due to the presence of a boundary wall which is not under the Applicants ownership.

Within the application process Council Officers have had I numerous discussions with the Applicant to try to reach a solution where all users of the development can use the access road safely. During these discussions with the applicant it was noted that the Council has aspirations to introduce a traffic calming scheme along Medlock Road. This scheme in principle does not include any specific measures at the proposed access to the development.

However, this traffic charming scheme affords the developer the opportunity to include a specific traffic calming measure at the junction of Medlock Road and the site access, that if

the proposed development was to be granted planning permission would resolve the problem of visibility. As the traffic calming features could be designed so that traffic is slowed down on the approach to the junction and the geometry of the access road would allow greater intervisibility between pedestrians and drivers, and the proposed access road could be used safely with no detrimental impact on any user of the highway.

The introduction of the traffic charming feature, which is directly required to make safe the proposed site access road, would be the subject of a Section 106 contribution of £31,317.50.

The applicant has confirm they are agreeable to the £31,370.50 payment, which is an additional financial contribution that will have to be borne out of the developer profit rather than subtracted from other areas of S106 commuted sum that has been agreed in relation to offsite openspace and affordable housing provision.

Given the site access could safely be achieved, it is noted the proposed development is located within an established residential area with links to public transport and local amenities. As such the Councils Highway Engineers is satisfied that the number of dwellings proposed will not have an adverse or significant effect on the amount of traffic generated on the local highway network. Following the submission of the amended site layout plan it is clear the parking provision within the site is acceptable, and service vehicles will be able to enter the site, turn and leave in a forward gear.

Officers therefore consider the scheme has addressed DPD Policies 5 and 9 in terms of highway safety. It is therefore recommended to Members that the Council enter into a s.106 Agreement that addresses the applicant's need to contribute £31,317.50 for traffic calming on Medlock Road.

## 6. Trees

Having considered the originally submitted information it is noted that no justification had been provided for the loss of trees as a result of the proposed development. Saved UDP Policy D1.5 'Protection of Trees on Development Sites', which states the following:

*'In determining a planning application for development of a site containing existing trees, or adjoining a site containing trees, the Council will only permit a proposal where:*

- a. the development is designed, insofar as is reasonably practicable, to maximise the retention and continued health of the trees in question; and*
- b. development comprising residential accommodation is positioned in relation to retained trees so as to avoid an unacceptable degree of overshadowing of both internal accommodation and garden areas.*

*In those cases where it is agreed that trees will be lost to accommodate the development, adequate replacement planting will be required as a condition of planning permission for the development.*

*Where trees are to be lost to development, the Council will require, as a minimum, replacement at a ratio of three new native trees for each mature or semi-mature tree lost. Where possible the replacement trees should be accommodated on or immediately adjoining the development site. In exceptional circumstances (e.g. certain small infill sites), where it is agreed that on-site replacement planting is not practicable, arrangements must be made for the planting of replacement trees on a suitable site in the wider locality through a section 106 planning obligation.'*

From the 'Preliminary Tree Survey schedule and plan' submitted it is noted that the majority of onsite trees are of category 'B' and 'C' quality. From the originally submitted 'Site Landscaping Plan' it is clear the proposed replacement trees are, on the whole, non-native and of a privet sizing.

However, following these concerns being raised with the applicant an amended landscaping plan and arbocultural justification has been provided. It is noted the planting specification on the amended details outlines that the proposal will provided 38 no. replacement trees that are a mix of Beech, Alder and Downy Birch. This is 5 no. tree less



than what is required to be removed to accommodate the development. However, given the loss of trees is required to meet the density of development required by the housing allocation in the saved UDP policy, it is the LPA's opinion that a condition should be attached to the recommendation that requires they are heavy standards to further address the loss of trees onsite.

## 7. Ecology

Policy 6 and Policy 21 of the Oldham LDF Joint DPD are concerned with protecting, conserving and enhancing our local natural environments.

The Greater Manchester Ecology Unit has been consulted and note that no significant ecological constraints were identified by the developer's consultants. Moreover, they state the application site has negligible ecological value and the potential issues relate to amphibians, nesting birds, proximity to an SBI and landscaping. Each of these is commented on below:

### *Great Crested Newts and other Amphibians.*

The remnant pond was assessed as low risk for great crested newts by the applicant submitted ecology statement. The Local record centre holds no records for great crested newts for this part of Oldham and they are assumed to be absent.

Reasonable avoidance measures (RAMs) have however been recommended in particular because of the stacks of debris near the entrance that will provide good habitat for all amphibians as well as small mammals and hedgehog. Therefore whilst GMEU do not believe RAMs are required for great crested newts a method statement for other amphibians and small mammals is justified because common toad and hedgehog, both UK Biodiversity Priority Species may be present and under the Wild Mammal (Protection) Act 1996 it is an offence to inflict unnecessary suffering to wild mammals. Planning consent does not provide a defence against prosecution under this act. A condition is recommended for the submission of a method statement detailing the avoidance measures to reduce the risk of harm to amphibians, hedgehogs and other small mammals be submitted and agreed by the LPA prior to the site clearance.

### *Nesting Birds*

The applicant is reminded that, under the Wildlife and Countryside Act 1981 as amended it is an offence to remove, damage, or destroy the nest of a wild bird, while the nest is in use or being built. Planning consent does not provide a defence against prosecution under this act. If a bird's nest is suspected work should cease immediately and a suitably experienced ecologist employed to assess how best to safeguard the nest(s).

### *Proximity to a Watercourse and Brookdale Golf Course SBI*

A minor watercourse flows across the eastern edge of the site into Brookdale Golf Course SBI. There is therefore a risk during and post construction of negative impacts on both the watercourse and the SBI resulting from increase in sediment load and pollutants. There is also a risk of increased recreational pressure on the SBI though this is likely to be very low owing to the scale of the development relative to the existing number of houses and lack of obvious access into the SBI. To mitigate risks during construction and post development two conditions have been recommended.

### *Contributing to and Enhancing the Natural Environment*

Section 170 NPPF states that the planning system should contribute to and enhance the natural and local environment. The main features of ecological interest will be primarily retained, with the wetland habitat mitigated for within the general location of the existing wetland habitat. Habitat loss restricted primarily to improved grassland a widespread habitat of only low ecological value. Therefore GMEU are satisfied that the proposed wetland feature and additional tree planting have the potential to provide adequate mitigation for ecological losses on site. It is recommended however that the proposed trees include primarily native species particularly along the western boundary within the existing trees

rather than the currently proposed ornamental non-native species. These details will be provided as part of a landscape condition.

It is noted the amended plans will increase the ecological impact of the development and with the land set aside for ecological mitigation now primarily off-site. The soakaway proposed along the southern boundary also has the potential to intercept water that would feed the wetland area and increase flows in to the SBI. It is therefore GMEU recommendation that further details are provided on the likely impact of the proposed drainage in terms of increased flows and negative impacts on the existing wetland area, this will be addressed by an appropriately worded planning condition.

## 8. Drainage

Policy 19 of the Oldham LDF Joint DPD is concerned with ensuring that new developments do not result in an unacceptable flood risk or increased drainage problems by directing developments away from flood risk areas. The site is located within a critical drainage area. Therefore, in order to ensure the development complies with the above policy, the United Utilities has requested a condition requiring a sustainable drainage plan to be submitted and agreed by the Local Planning Authority prior to the commencement of development and that the development is implemented in accordance with the submitted Flood Risk Assessment & Drainage Strategy which was prepared by Watercourse.

## 9. Other matters

### *Contamination and Landfill Gas:*

The fifth bullet point to paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by:

- Remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

Given the above, it is considered appropriate to impose a condition requiring intrusive site investigations and the submission of a remediation strategy before any development takes place. The need for such a condition is also identified by the Council's EHO. An appropriate condition has been recommended in this regard in order to ensure that the development does not conflict with the requirements of the NPPF.

## 10. Conclusion

With the above in mind, it is considered the proposed dwellings would not have a harmful effect on neighbour amenity, nor have a detrimental impact on the character of the Conservation Area. It therefore complies with DPD Policies and is recommended accordingly.

## **RECOMMENDATION**

- That Committee resolves to approve the application subject to the following conditions and to the submission of a commuted payment of £191,317.50 for the improvement of the play equipment on the adjacent park, the provision of offsite Affordable housing and construction of traffic calming measures on Medlock Road.
- That authority is granted to the Head of Planning and Development Management to issue the decision notice upon satisfactory receipt of the planning obligation.

1. The development must be begun not later than the expiry of THREE years beginning with the date of this permission.

Reason - To comply with the provisions of the Town & Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be fully implemented in accordance with the

amended plans and specifications, which are referenced as follows:

Drawing No. 003 Rev F, received on 31/01/2019.  
Drawing No. 004 Rev F, received on 31/01/2019.  
Drawing No. 005 Rev F, received on 31/01/2019.  
Drawing No. 009, received on 31/07/2018.  
Drawing No. 006 Rev A, received on 31/07/2018.  
Drawing No. 101 Rev A, received on 31/07/2018.  
Drawing No. 201 Rev A, received on 31/07/2018.  
Drawing No. 301 Rev A, received on 31/07/2018.

Reason - For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and specifications.

3. No development shall take place unless and until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. The materials to be used throughout the development shall be consistent in terms of colour, size and texture with the approved samples.

Reason - To ensure that the appearance of the development is acceptable to the Local Planning Authority in the interests of the visual amenity of the area within which the site is located.

4. Prior to their installation a detailed specification and colour scheme for all external doors, windows and rainwater goods shall be submitted to and approved in writing by the Local Planning Authority (such scheme to include any subsequent amendments as required by the Authority).

Reason - To ensure that the appearance of the development is acceptable to the Local Planning Authority in the interests of protecting both the character and appearance of the building and the area within which the site is located.

5. All hard and soft landscape works for the site shall be carried out in accordance with the approved details shown on Drawing No's. 003 Rev F and 003 Rev F (received on 31/01/2019). The works shall be carried out prior to the occupation of any part of the development or in accordance the programme agreed with the Local Planning Authority. Thereafter, any trees or shrubs which die, are removed or become seriously damaged or diseased within a period of five years from the completion of the development, shall be replaced in the next planting season with others of a similar size, number and species to comply with the approved plan unless otherwise agreed in writing by the Local Planning Authority.

Reason - To ensure that the landscaping scheme is carried out and protected in the interests of visual amenity and to safeguard the future appearance of the area.

6. No development shall take place unless and until all trees, shrubs and hedges within the site and/or trees whose root structure may extend within the site, have been fenced off in accordance with a detailed scheme to be agreed in writing with the Local Planning Authority (such scheme to include any subsequent amendments as required by the Authority). Thereafter no excavation or other building or engineering operations shall take place and no plant, machinery or materials (including excavated material) shall be placed, deposited, stored or stacked within any such fence and tree during the construction period.

Reason - In order to avoid damage to trees/shrubs within the site, which are of important amenity value to the area.

7. No development shall commence unless and until a site investigation and assessment in relation to the landfill gas risk has been carried out and the consultant's report and recommendations have been submitted to and approved in writing by the Local Planning Authority. Written approval from the Local Planning Authority will be required for any necessary programmed remedial measures and, on receipt of a satisfactory completion report, to discharge the condition.

Reason - In order to protect public safety, because the site is located within 250m of a former landfill site.

8. No development shall commence unless and until a site investigation and assessment to identify the extent of land contamination has been carried out and the consultant's report and recommendations have been submitted to and approved in writing by the Local Planning Authority. Written approval from the Local Planning Authority will be required for any necessary programmed remedial measures and, on receipt of a satisfactory completion report, to discharge the condition.

Reason - In order to protect public safety and the environment.

9. The development hereby approved shall not be brought into use unless and until details of facilities for the storage and removal of refuse and waste materials have been submitted to and approved in writing by the Local Planning Authority and the agreed scheme has been fully implemented. Thereafter approved facilities shall at all times remain available for use.

Reason - To ensure that the site is not used in a manner

10. No development, site clearance, earth moving shall take place or material or machinery brought on site until a method statement to protect the minor watercourse and Brookdale Golf Course SBI from accidental spillages, dust and debris has been supplied to and agreed by the LPA. All measure will be implemented and maintained for the duration of the construction period in accordance with the approved details.

Reason: To protect the Brookdale Golf Course SBI.

11. No development shall take place until it can be demonstrated that there will be no negative impacts on the ecological status/potential of the minor watercourse resulting from the disposal of foul water and surface water disposal post-development submitted to and approved in writing by the Local Planning Authority. The details, as approved, shall be implemented in full in accordance with a timetable which has first been agreed in writing by the Local Planning Authority.

Reason - To protect the Brookdale Golf Course SBI.

12. No works to trees or shrubs shall occur between the 1<sup>st</sup> March and 31<sup>st</sup> August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present which has been agreed in writing by the LPA.

Reason - To ensure the protection of bird habitats, which are protected species under the Wildlife and Countryside Act 1981.

13. Prior to any site clearance a method statement detailing reasonable avoidance

measures to reduce the risk of harm to amphibians, hedgehogs and other small mammals will be provided to and agreed in writing by the LPA.

Reason -To protect the wildlife.

14. Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:

- a. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
- b. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

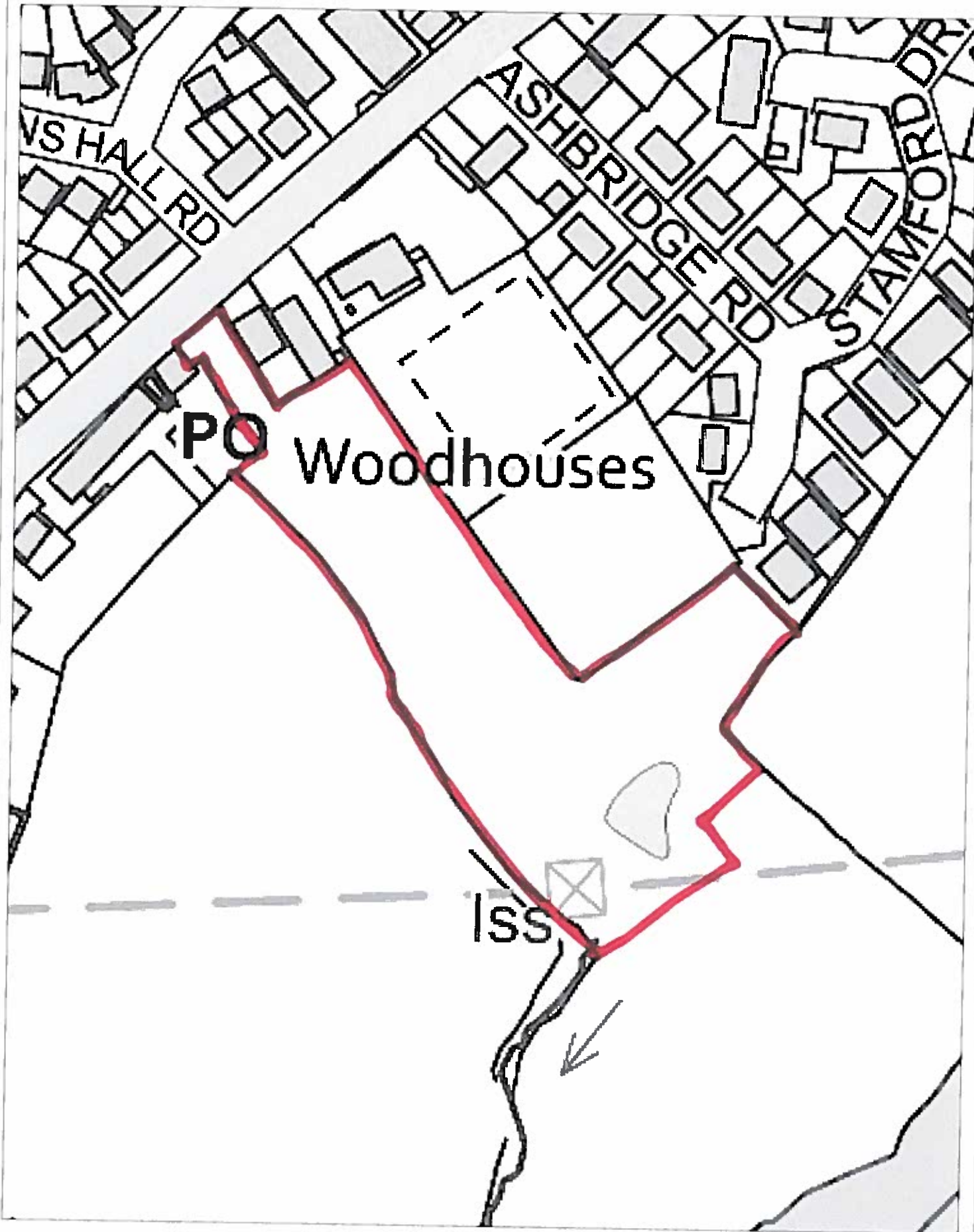
Reason - To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.

15. The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Flood Risk Assessment & Drainage Strategy which was prepared by Waterco. No surface water will be permitted to drain directly or indirectly into the public sewer. Any variation to the discharge of foul shall be agreed in writing by the Local Planning Authority prior to the commencement of the development. The development shall be completed in accordance with the approved details.

Reason - To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding.

16. No dwelling shall be brought into use unless and until the access and car parking space for that dwelling has been provided in accordance with the approved plan received on 31<sup>st</sup> January 2019 (Ref: Dwg No.005 Rev F). The details of construction, levels and drainage shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the access road or parking spaces. Thereafter the parking spaces and turning area shall not be used for any purpose other than the parking and manoeuvring of vehicles.

Reason - To ensure that adequate off-street parking facilities are provided and remain available for the development so that parking does not take place on the highway to the detriment of highway safety.



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